



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/633,347

08/04/2003

Jerry D. Lowe

3723

7590 05/11/2009
JERRY D. LOWE
P.O. BOX 978
WOODLAND PARK, CO 80866

EXAMINER

DINH, TIEN QUANG

ART UNIT

PAPER NUMBER

3644

MAIL DATE

DELIVERY MODE

05/11/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/633,347	Applicant(s) LOWE ET AL.	
	Examiner Tien Dinh	Art Unit 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/23/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3644

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al 6424804 in view of Osada et al 5569350

Johnson et al discloses system having a mounting structure 32, 18 within a body and doors 51. The system has a platform 14 where a camera/sensor 12 is mounted, linear guide 24 that is engaged by the platform that is a linear structure disposed in parallel to the linear movement path of the platform, and mechanism 30, 31 for moving the platform. The camera 12 is directly attached to the platform 14 as shown in figure 6. The linear guide is connected to the mounting structure at a first end and to the platform at the second end. The linear guide is engaged by an annular engagement structure 26 that is connected to the platform and to stabilize the platform in an atmosphere. Please note that "an atmosphere" is broad in that it can be anywhere the platform is located. This can be at sea level to 20000 feet. The mounting structure is inside the body and limits intrusion into the body. Johnson et al is silent on the platform being engaged to a threaded screw. However, Osada et al teaches that a mechanism that utilizes a threaded screw 17 that engages the platform 8, 26 is well known in the art. Plus, Osada et al teaches a motor 18 that is used to actuate the threaded screw is well known (see figure 7).

Art Unit: 3644

It would have been obvious to one skilled in the art at the time the invention was made to have used a motor control threaded screw that engages the platform of Johnson et al as taught by Osada et al as a substitution of parts.

As for the mechanism that is electrically, hydraulically, magnetically, pneumatically, linear motion screw, or clutch and brake driven, it would have been obvious to one skilled in the art to have used any mechanism that is needed to drive the platform as a mere substitution of parts. The applicant has not disclosed the criticality of different mechanisms.

Figure 1 of Johnson shows the camera in a fully extended position and in the "atmosphere". An atmosphere is the region of space where air surrounds the Earth. Hence this meets what is claimed.

Response to Arguments

Applicant's arguments that Johnson does not teach an annular engagement structure 26 is respectfully disagreed by the examiner. The structure 26 clearly is an annular engagement structure which meets what has been claimed. As clearly shown in figure 6, the annular engagement structure is slidable up and down the rod 24 due to its annular structure. Plus, the annular engagement structure 26 is clearly connected to the platform 14. See figure 6. Applicant also argues that the linear guide 24 is "not a linear guide." The examiner disagrees since it is clearly shown that the guide 24 is a linear guide. It allows the platform to go up and down.

Applicant argues that the camera is not mounted to the platform but rather the part 34 is connected to the platform. The camera is clearly "attached" to the platform 14. If applicant look

Art Unit: 3644

at figure 6, it is shown that the camera is attached to the platform. Plus, when the platform is raised (shown with broken lines), the camera is also attached to the platform. Plus, the sleeve 34 is used to attach the camera system to the platform. Hence, the camera is connected to the platform. Plus, the claims call for attaching the object/camera to the platform, which clearly is shown by Johnson.

In response to applicant's argument that Osada et al is nonanalogous art or not in the same field of technology, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, it is clear that Osada teaches that a mechanism that utilizes a threaded screw 17 that engages the platform 8, 26 is well known in the art. A person skilled in the art would have used such mechanism as a substitution of parts.

As for the mechanism that is electrically, hydraulically, magnetically, pneumatically, linear motion screw, or clutch and brake driven, it would have been obvious to one skilled in the art to have used any mechanism that is needed to drive the platform as a mere substitution of parts. The applicant has not disclosed the criticality of different mechanisms.

Conclusion

This is an RCE of applicant's Application No.10633347. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier

Art Unit: 3644

application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tien Dinh whose telephone number is 571-272-6899. The examiner can normally be reached on 12-8.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on 571-272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tien Dinh/

Primary Examiner, Art Unit 3644